

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

MARQUES JORDAN and BRONDA
JORDAN, individually and as
guardian and next of kin of
ADISYN JORDAN

Plaintiffs

vs.

Civil No. 1:09 CV 00079

GRACO CHILDREN'S PRODUCTS INC.
d/b/a GRACO and/or GRACO BETA

and

NEWELL RUBBERMAID INC.

And

RUBBERMAID INC.

Defendant.

JOINT MOTION FOR ORDER APPROVING MINOR'S SETTLEMENT

Come now the parties, through undersigned counsel, and hereby jointly move this honorable Court for an Order pursuant to TENN. CODE ANN. § 29-34-105 approving a minor's settlement as in the best interests of the Plaintiffs, Marques Jordan and Bronda Jordan on behalf of their minor daughter, Adisyn Jordan. As evidenced by the signatures on this document and the Affidavit of Marques Jordan and Bronda Jordan¹, the parties are in agreement that all matters, issues and controversies by and between Plaintiffs and the Defendants, Graco Children's Products, Inc., Newell Rubbermaid Inc.,

¹ Affidavit of Marques and Bronda Jordan, Exhibit 1, attached.

and Rubbermaid, Inc., have been compromised and settled out of Court. In support of this motion the parties would show as follows:

1. The Plaintiffs Marques Jordan and Bronda Jordan on behalf of their minor daughter, Adisyn Jordan, reside in Knoxville, Tennessee and receive mail at 805 Cedar Lane, C-12, Knoxville, TN 37912. Adisyn Jordan was born on July 8, 2007.

2. Marques Jordan and Bronda Jordan, are the natural parents of Adisyn Jordan, and have sole and primary custody of their daughter, and are the natural guardians of their daughter.

3. On or about March 27, 2009, Plaintiffs filed a Complaint individually and on behalf of their daughter, Adisyn Jordan, against Graco Children's Products Inc., Newell Rubbermaid, Inc., and Rubbermaid, Inc., alleging various claims under federal and state law.

4. The Defendants denied any and all liability in this matter.

5. This is a doubtful and disputed claim. Notwithstanding the dispute between the parties, in order to avoid further litigation and the corresponding expenses thereof, Graco Children's Products, Inc., Newell Rubbermaid, Inc., and Rubbermaid, Inc., without admitting any liability whatsoever, have agreed to a compromise settlement in which it will pay the total sum of [REDACTED], as provided below.

6. Stanley & Kurtz, PLLC, shall receive [REDACTED]
[REDACTED], or one-third (1/3) of the amount of the settlement as attorneys' fees, to which the Plaintiffs agreed.

7. In addition, Stanley & Kurtz, PLLC, shall receive case related expenses in the amount of [REDACTED]

These expenses represent a *pro rata* share of the expenses shared with Case No. 1:09-CV-79.

8 [REDACTED] shall fund the purchase of a structured settlement annuity that will make the following guaranteed periodic payments to Adisyn Mae Jordan.²

- A. [REDACTED] payable at age 18 (July 8, 2025).
- B. [REDACTED] payable at age 21 (July 8, 2028).
- C. [REDACTED] payable at age 30 (July 8, 2037).

9. The parties hereby request that the Court waive the appointment of a guardian *ad litem* for Adisyn Jordan, a minor, pursuant to TENN. CODE ANN. § 34-1-107(a)(3).

10. Based upon the circumstances of this case, the parties submit that the proposed settlement is reasonable and in the best interest of the minor, Adisyn Jordan, and the parties request that the settlement be approved and made the judgment of the Court in full release and satisfaction of all claims which the Plaintiffs may have or hereinafter claim against Graco Children's Products, Inc., Newell Rubbermaid, Inc., and Rubbermaid, Inc., current or past, arising out of the incidents described in the Complaint. The Affidavit of Plaintiffs Marques Jordan and Bronda Jordan in support of this Motion have been simultaneously filed with the Court.

² Affidavit of Russell Wilson, Exhibit 2, attached.

WHEREFORE, the parties respectfully request that the Court review and approve the proposed settlement and make it the judgment of the Court, and that Graco Children's Products, Inc., Newell Rubbermaid, Inc., and Rubbermaid, Inc., be released from all further claims or liability to the Plaintiffs resulting from the incidents described in the Complaint.

Respectfully submitted this 9th day of September, 2010.

s/ Robert Kurtz
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2010, a copy of the foregoing Order was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Robert R. Kurtz
Robert R. Kurtz